



February 3, 2005

ELECTRONIC EX PARTE FILING

Hon. Kevin J. Martin
Commissioner
Federal Communications Commission
445 12th Street, S.W.
Room 8B201
Washington, D.C. 20554

Re: Wireless Termination Tariffs, CC Docket No. 01-92

Dear Commissioner Martin:

Almost two and half years ago, Western Wireless Corporation ("Western") and two other independent wireless carriers (T-Mobile and Nextel) filed a petition with the Commission challenging the lawfulness of certain local exchange carrier ("LEC") wireless termination tariffs. Prompt resolution of the petition is of very high importance to Western. I write today to strongly urge the Commission to act on the petition at its February meeting.

As a rural wireless carrier that competes with rural LECs, Western has been particularly harmed by LECs unilaterally establishing discriminatory tariffs as opposed to negotiating reasonable rates, terms and conditions of interconnection as required by the 1996 Act. Many of these LECs are charging grossly excessive rates to terminate wireless traffic, which have the affect of stifling competition in rural markets. Western has negotiated numerous interconnection agreements with rural LECs and stands ready to do the same with any rural LEC that has filed, or intends to file, a wireless terminate tariff, but unless the Commission declares such tariffs unlawful, there is little or no incentive for these rural LECs to negotiate reasonable rates, terms and conditions of interconnection.

One of the most egregious examples of how rural LECs can manipulate the process of establishing reasonable interconnection rates, terms and conditions of service is in the state of Oklahoma. Here, Western has had interconnection agreements with all rural LECs for several years that were established by state commission arbitration and affirmed on appeal by a federal district court. Last year, the LECs notified us that they were terminating the interconnection agreements, and at the same time, these LECs filed wireless termination tariffs attempting to establish discriminatory and unlawful rates, terms and conditions of service. A declaration by the Commission that wireless termination tariffs are unlawful will prevent this type of gerrymandering by the LECs and will ensure the integrity of the negotiation process established in the 1996 Act.

I appreciate your consideration of this matter.

Yours truly,

/s/ John W. Stanton

John W. Stanton
Chairman and Chief Executive Officer
Western Wireless Corporation

cc: Dan Gonzalez
Sam Feder
John Muleta
Jeffrey Carlisle